

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director/(954) 797-1101

SUBJECT: Resolution
Interlocal Agreement with the City of Hollywood, 2800 University
Drive/Generally located at the southeast corner of University Drive and Davie Road
Extension

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND TOWN OF DAVIE FOR DEVELOPMENT PERMIT AND PUBLIC SAFETY SERVICES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

In 1988, the Town of Davie and City of Hollywood entered into an Interlocal Agreement for the development of the subject site, whereby site plan authority was transferred exclusively to the City of Hollywood. The owner now wishes to develop the site, and have the City of Hollywood be responsible for all development permit and public safety services. Chapter 163 of the Florida Statutes provides for local government units to enter into interlocal agreements, enabling them to cooperate with other local municipalities on a basis of mutual advantage, and thereby providing services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities. The Town Attorney has reviewed the proposed agreement and has approved it as to form. Staff has no objection to the request.

PREVIOUS ACTIONS: On October 19, 1988, the Town Council of the Town of Davie approved Resolution No. R88-255, transferring site plan authority exclusively to the City of Hollywood.

CONCURRENCES: On November 2, 1988, the City Commission of the City of Hollywood approved Resolution No. R88-162, accepting site plan authority from the Town of Davie.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff recommends that the Interlocal Agreement be reviewed and discussed by Town Council so that a final decision may be rendered.

Attachment(s): Resolution, Control No. 020509, Future Land Use Map, Zoning and Aerial Map, Interlocal Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND TOWN OF DAVIE FOR DEVELOPMENT PERMIT AND PUBLIC SAFETY SERVICES; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, ONOCAL/ONECORP owns and proposes to develop a property, traversed by the existing City of Hollywood/Town of Davie common boundary line; and

WHEREAS, Chapter 163 of the Florida Statutes provides for local government units to enter into Interlocal Agreements, enabling them to cooperate with other local municipalities on a basis of mutual advantage, and thereby providing services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the Town of Davie entered into an Interlocal Agreement on October 19, 1988, transferring site plan authority, on the subject site, exclusively to the City of Hollywood; and

WHEREAS, the City Commission of the City of Hollywood accepted site plan authority, on the subject site, from the Town of Davie on November 2, 1988; and

WHEREAS, ONOCAL/ONECORP now desires that the Town of Davie transfer development permit and public safety services authority to the City of Hollywood;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council of the Town of Davie does hereby authorize the Mayor and Town Administrator to enter into an Agreement, attached hereto as Exhibit "A", between the City of Hollywood and the Town of Davie, whereby the Town of Davie transfers development permit and public safety services authority, on the subject site, to the City of Hollywood.

SECTION 2. The Town Administrator and Town Attorney are authorized to make and accept non-substantive revisions to the agreement in order for the agreement to be in final, recordable form.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2002.

MAYOR/COUNCILMEMBER

Attest:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2002.


MONROE D. KIAR
TOWN ATTORNEY
TOWN OF DAVIE
6191 SW 45th Street, Suite 6151A
Davie, Florida 33314
(954) 584-9770

MEMORANDUM

DATE: May 17, 2002

TO: Christopher M. Gratz, Planner II

CC: Mark Kutney, AICP, Development Services Director
Tom Willi, Town Administrator
Mayor and Councilmembers

FROM: Monroe D. Kiar 

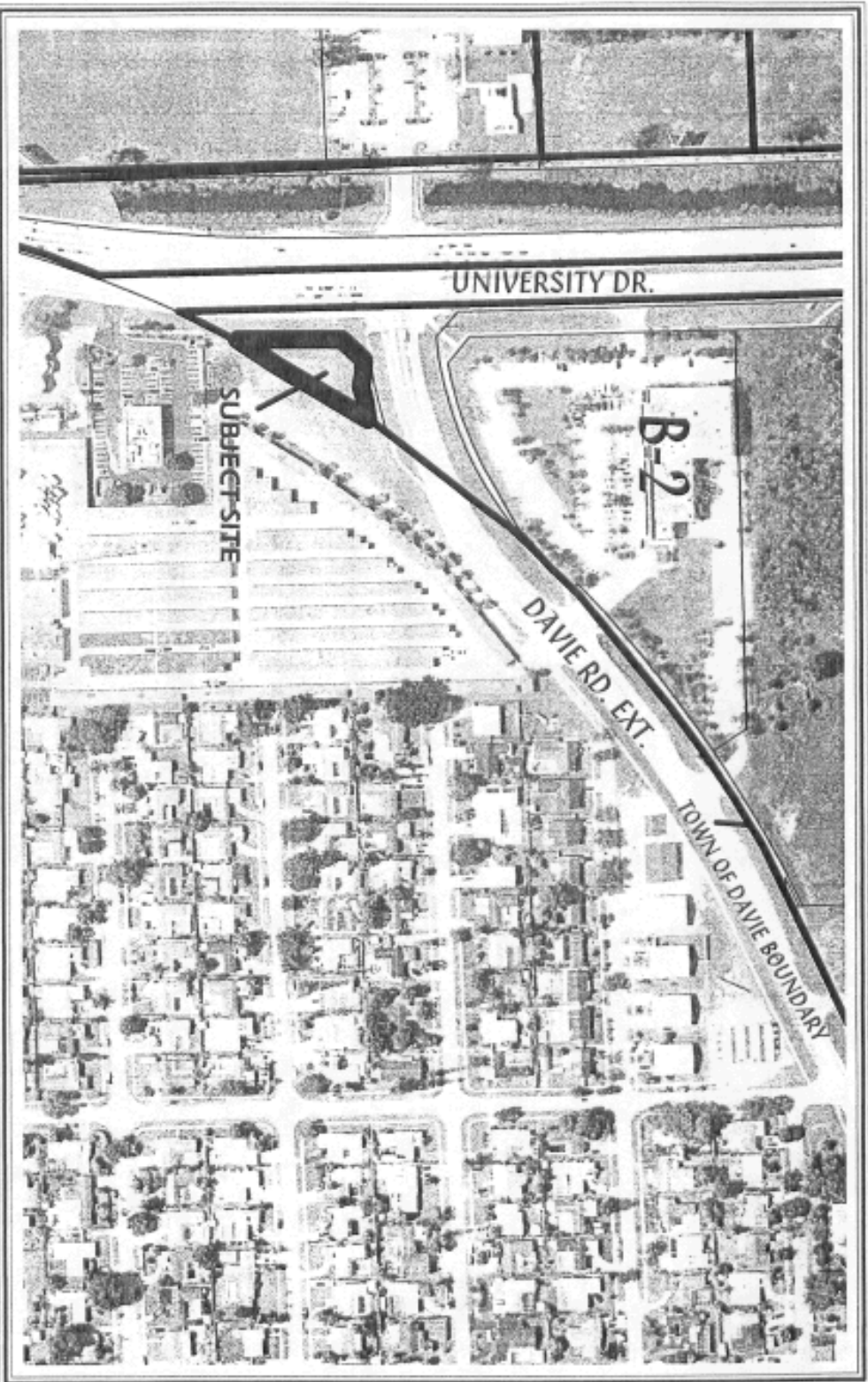
RE: Control Number 020509
Proposed Interlocal Agreement with City of Hollywood

TOWN OF DAVIE
MAY 20 P 3 09
ADM. SVC. DEPT.

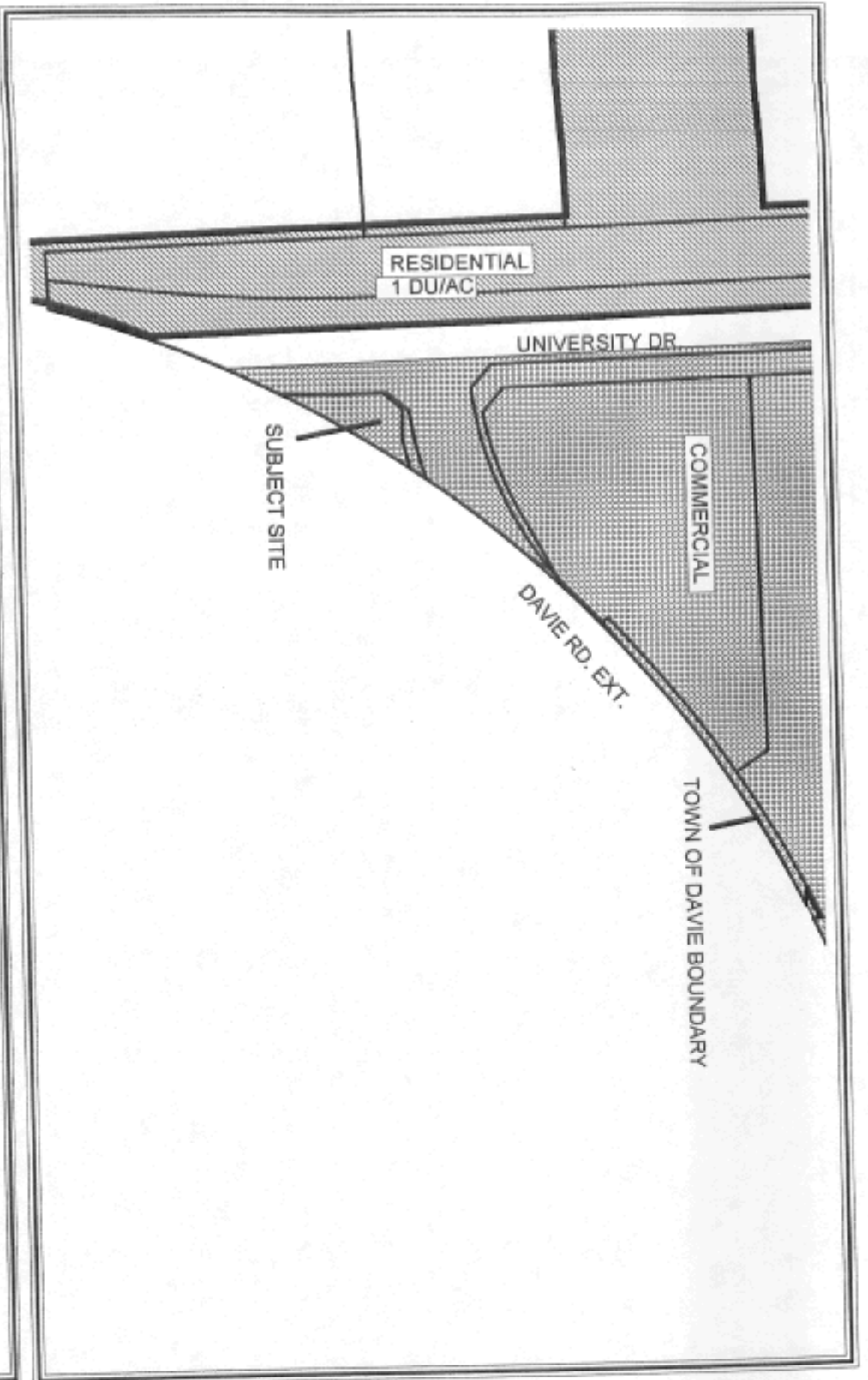
Pursuant to your request, I have reviewed the correspondence from Attorney John D. Voigt to Mr. Kutney, along with the proposed Interlocal Agreement with the City of Hollywood for Development Permit and Public Safety Services relevant to that parcel of land lying in both the City of Hollywood and the Town of Davie. According to the information provided, approximately two-thirds of the property is located within Hollywood and the remainder within the Town of Davie. The property is owned by Onocal/Onecorp. I have also reviewed Resolution No. R88-255 approved by the Davie Town Council on October 19, 1988 relevant to this same property along with the Interlocal Agreement between the parties dated November 2, 1988, in which the Town of Davie and the City of Hollywood agreed that Site Plan authority was transferred exclusively to the City of Hollywood. Mr. Voigt indicates in his letter that the owner now desires to go forward with the development of the property and that he has had a preliminary meeting with you regarding allowing the City of Hollywood to handle all developmental services. According to him, you suggested that a proposed Interlocal Agreement permitting the City of Hollywood to handle all developmental services relevant to this property be forwarded to the Town for review. Accordingly, I have reviewed same and have found the proposed Interlocal Agreement between the City of Hollywood and the Town of Davie to be of proper legal form for presentment to the Davie Town Council for its approval. As to the issue

of whether the Town has any objection to the transfer of developmental authority for this parcel to the City of Hollywood, this is a policy decision to be made by the Council with your input and recommendation.

MDK/gmv
enclosure



Zoning and Aerial Map
Date: Flown: January, 2001
Scale: 1" = 200'
Planning & Zoning Division - GIS
Prepared 5/22/02



FUTURE LAND USE MAP
Date: Flown: January, 2001
Scale: 1" = 200'
Planning & Zoning Division - GIS
Prepared 5/22/02

INTERLOCAL AGREEMENT
BETWEEN
CITY OF HOLLYWOOD
AND
TOWN OF DAVIE
FOR
DEVELOPMENT PERMIT & PUBLIC SAFETY SERVICES

This Interlocal Agreement is made and entered into by and between:

CITY OF HOLLYWOOD, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as "City,"

AND

TOWN OF DAVIE, a municipal corporation existing under the laws of the State of Florida, hereinafter referred to as "Town".

WHEREAS, this Agreement is entered into pursuant to §163.01, Florida Statutes, also known as the Florida Interlocal Cooperation Act of 1969, and under the parties' respective Charter and Constitutional Home Rule Powers; and

WHEREAS, City maintains Code Enforcement and Planning and Zoning Divisions ("Code and Zoning") that conduct plan review and permit inspections relating to zoning approval; and

WHEREAS, City maintains a Building and Permitting Department that conducts plan examinations and inspections pursuant to the South Florida Building Code; and

WHEREAS, City maintains Police and Fire Rescue Departments that provide emergency and preventative police, fire and emergency medical services; and

WHEREAS, ONOCAL/ONECORP. owns private property which is traversed in a curvilinear fashion by the existing city/town common boundary line, and that real property is more particularly

described in the attached Exhibit "A" ("Property"); and

WHEREAS, City and Town previously entered into an Interlocal Agreement regarding the same property dated November 2, 1988, whereby all matters concerning site plan review and approval were delegated by Town to City, and whereas City accepted this delegation, and both City and Town approve said Interlocal Agreement by way of Resolution, a copy of which is attached hereto as Exhibit "B";

WHEREAS, for the Property, City and Town desire that City act for the Town as 1) the planning director for development order approvals and implementation, 2) the building official, pursuant to the requirements of Section 201.1(A)(1) of the South Florida Building Code, 3) the code compliance office for perpetual monitoring of code regulations, and 4) the provider of police, fire and emergency medical response/services;

WHEREAS, City is willing to perform such services pursuant to the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, City and Town agree as follows:

1. SCOPE OF SERVICES:

1.1 Town agrees that it shall, through the execution of this Agreement, transfer to the City for the real property included within Exhibit "A", attached hereto and made a part hereof, the authority to review and approve, if acceptable to City, applications for rezoning, variances, special uses, special permits, or any other developmental applications, and any special permit requirements from the City of Hollywood Zoning and Land Development Regulations. This shall be in addition to those site plan responsibilities previously transferred from Town to City by way of the November 2, 1988 Interlocal Agreement. The City shall review any plat(s) required for the property, based upon the City's policies and code criteria. The Town shall execute said plat(s) upon the written recommendation of the City, after the City's review of said plat(s) for consistency with the applicable City regulations.

1.2 Town agrees that it shall, through the execution of this Agreement, transfer to City for the real property included within Exhibit "A", attached hereto and made a part hereof, the authority to perform any inspection associated with the property,

plat review and building official services associated with building permits and upon completion of such plat and plan review, inspection and any building official services, and shall upon satisfaction of all applicable code requirements issue all applicable development permits. The parties further agree that upon the issuance of any certificates of occupancy any further code enforcement, including monitoring and enforcement of development order conditions, shall be performed by the City at which time the City of Hollywood Code of Ordinances shall apply.

1.3 Town agrees that, upon execution of this Agreement, public safety services to the Property shall be provided by the City of Hollywood. These services shall include emergency response, as well as preventative, proactive functions, on behalf of the City's Police and Fire/Rescue Departments.

2. FUNCTIONS AND DUTIES NOT TRANSFERRED TO CITY:

It is specifically understood and agreed that all rights and powers, as may be vested in the Town not specifically transferred to City hereunder, shall be retained by Town. In the event Town desires to have City provide any other services not set forth above, a separate agreement or an amendment to this Agreement shall be required between Town and City.

3. TERMINATION:

This Agreement may be terminated by mutual agreement of the parties and in any event, will automatically terminate without any further action by either party if a unified development proposal is withdrawn by the petitioner or denied by the City.

4. NOTICES:

Any and all notices given or required under this Agreement shall be in writing and may be delivered in person or by United States mail, telecopy, postage prepaid, first class and certified, return receipt requested, addressed as follows:

IF TO CITY:

City Manager
City of Hollywood
2600 Hollywood Boulevard
Hollywood, Florida 33021

WITH A COPY TO:

City Attorney

IF TO TOWN: Town Administrator
Town of Davie
6591 S.W. 45th Street
Davie, Florida 33314

WITH A COPY TO: Town Attorney

5. MISCELLANEOUS PROVISIONS:

5.1 Assignment: City shall perform the plat and plan review services and/or permit inspections for planning approval, shall issue building permits and certificates of occupancy as may be appropriate, and shall enforce the City of Hollywood Code of Ordinances as provided for in this Agreement, exclusively and solely. City shall not have the right to assign this Agreement.

5.2 Waiver: The waiver by either party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement shall not be construed as a waiver of any future or continuing similar or dissimilar failure.

5.3 Severability: The invalidity of any provision of this Agreement shall in no way affect the validity of any other provision.

5.4 Entire Agreement: It is understood and agreed that this Agreement incorporates and includes all prior negotiations, agreements or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior representations or agreements, whether oral or written.

5.5 Modifications: It is further understood that no modifications, amendments or alterations in the terms or conditions contained herein shall be effective unless contained in a written document executed with the same formality and of equal dignity herewith.

5.6 Counterpart Originals: The parties agree that this Agreement may be executed in counterparts, and that collectively the counterparts shall be considered an original agreement and shall be deemed legally sufficient and binding upon the parties.

5.7 Effective Date: This Agreement shall become

effective upon the date last signed by the parties hereto.

5.8 Venue: Venue for any action arising under this Agreement shall be in Broward County, Florida.

5.9 Governing Law: This Agreement shall be interpreted under the laws of the State of Florida.

IN WITNESS WHEREOF, the parties have made and executed this Agreement on the respective dates under each signature: CITY OF HOLLYWOOD through its CITY COMMISSION, signing by and through its Mayor or Vice Mayor, authorized to execute same by Commission action on the _____ day of _____, 2002, and TOWN OF DAVIE through its TOWN COUNCIL, signing by and through its Mayor or Vice Mayor, authorized to execute same by Council action on the _____ day of _____, 2002.

TOWN

ATTEST:

TOWN OF DAVIE, through its TOWN COUNCIL

Town Clerk

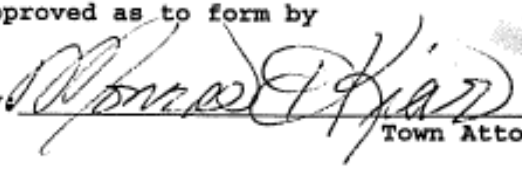
By: _____
Mayor

_____ day of _____, 2002.

By: _____
Town Administrator

_____ day of _____, 2002.

Approved as to form by

By: 
Town Attorney

INTERLOCAL AGREEMENT BETWEEN CITY OF HOLLYWOOD AND TOWN OF DAVIE

FOR DEVELOPMENT PERMIT SERVICES

CITY

ATTEST:

CITY OF HOLLYWOOD, through its CITY
COMMISSION

City Clerk

By: _____
Mayor

_____ day of _____, 2002.

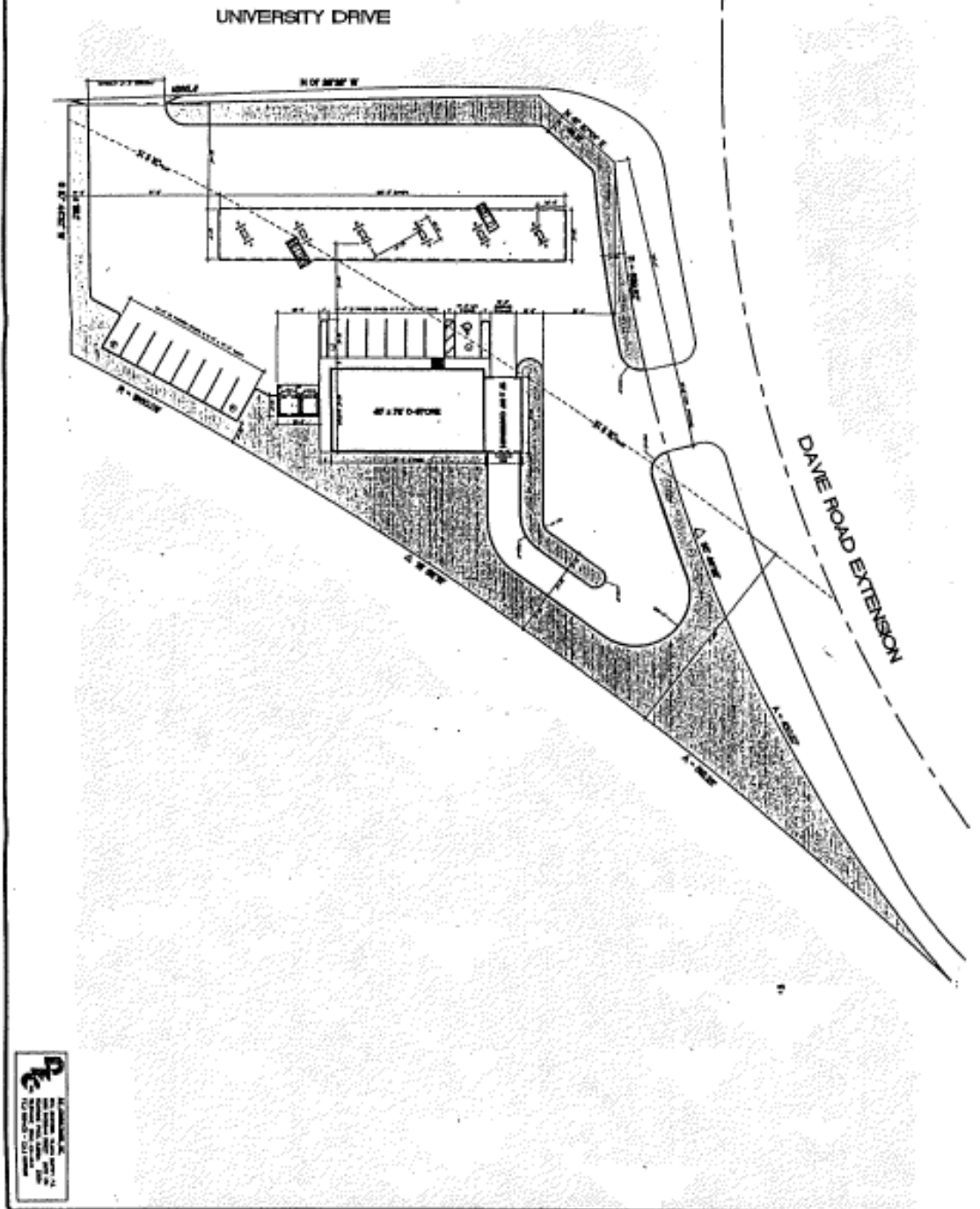
By: _____
City Manager

_____ day of _____, 2002.

APPROVED AS TO FORM:

By: _____
City Attorney

EXHIBIT "A"



1	DATE	10/1/98
2	BY	D. C. C.
3	CHECKED	
4	APPROVED	

PRELIMINARY SITE PLAN	
ONECORP.	
UNIVERSITY DRIVE AND DAVE ROAD EXTENSION	
DAVE, FLORIDA	



1	DATE	10/1/98
2	BY	D. C. C.
3	CHECKED	
4	APPROVED	

EXHIBIT "B"

RESOLUTION NO. R88-255

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
AUTHORIZING THE APPROPRIATE TOWN OFFICIALS
TO EXECUTE THE INTERLOCAL AGREEMENT BETWEEN
THE CITY OF HOLLYWOOD AND THE TOWN OF DAVIE;
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council wishes to authorize the appropriate Town officials to execute the original Interlocal Agreement between the City of Hollywood and the Town of Davie, a copy of which is attached hereto as Exhibit "A", for purposes of acknowledging and accepting the terms and conditions set forth therein on behalf of the Town of Davie.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town of Davie does hereby agree to the terms and conditions as set forth in the Interlocal Agreement, a copy of which is attached hereto as Exhibit "A".

SECTION 2. That the appropriate Town officials are hereby authorized to execute the original Interlocal Agreement on behalf of the Town of Davie acknowledging and accepting the terms and conditions as set forth therein.

SECTION 3. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 19th DAY OF October, 1988.

Frank J. Cannata
Mayor/Councilman

Attest:

Barbara Bergomini
Ass^t Town Clerk

APPROVED THIS 19th DAY OF October, 1988.

INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT made and entered into this 2^d day of ~~October~~ November, 1988, by and between the CITY OF HOLLYWOOD, FLORIDA and the TOWN OF DAVIE, FLORIDA:

W I T N E S S E T H:

WHEREAS, Chapter 163 of the Florida Statutes, as amended, provides for local governmental units to enter into Interlocal Agreements enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, PRIMA PROPERTY CORPORATION, a Florida corporation hereinafter "PRIMA" owns private property which is traversed in a curvilinear fashion by the existing City of Hollywood-Town of Davie common boundary line; and

WHEREAS, PRIMA wishes to develop its property, and has accordingly submitted to the City of Hollywood a site plan showing portions of driveways, planting areas and parking spaces presently situated within the Town of Davie; and

WHEREAS, presently the City of Hollywood has no authority to approve said site plan in that a portion of the land is lying within the Town of Davie and therefore finds the portion within the City of Hollywood to be in noncompliance with the City Code with respect to the number of parking spaces and furthermore finds that the site plan, if developed as shown, would result in unacceptable jurisdictional confusion by its municipal personnel, particularly police and fire rescue; and

WHEREAS, the parties desire to enter into this Interlocal Agreement in order to resolve the cited mutual problems by allowing approval of the respective site plans filed by PRIMA with the City of Hollywood and the Town of Davie,

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties agree as follows:

Section 1: That the Town of Davie hereby agrees that to the extent that the site plan submitted by PRIMA, the sole owner of the parcel of land which is the subject of this Agreement as set forth on the map attached hereto as Exhibit "A", includes land lying within the Town of Davie, said site plan shall be reviewed by and subject to the approval of the City of Hollywood under the zoning ordinances and regulations of the City of Hollywood.

Section 2: That the Town of Davie and the City of Hollywood, agree to consider the site plans submitted by PRIMA, as if the entire parcel of land as set forth on Exhibit "A" is situated within the boundaries of the City of Hollywood.

Section 3: Each municipality agrees to perform their respective municipal functions, including but not limited to police and fire rescue service, to only that portion of the parcel of land as set forth on Exhibit A, situated within the respective boundaries of each of the municipalities.

Section 4: This Agreement shall not be construed to alter the municipal boundaries of the City of Hollywood or the Town of Davie.

WITNESSES:

CITY OF HOLLYWOOD, FLORIDA, a
municipal corporation of the
State of Florida

Jeanette Mayo
Carol Glover
As to "City"

BY: Mara Giuliani
MARA GIULIANTI, MAYOR

ATTEST: Martha S. Lambos
MARTHA S. LAMBOS
CITY CLERK

ENDORSED AS TO FORM & LEGALITY

Maria J. Chiaro (ASK)
MARIA J. CHIARO
CITY ATTORNEY

TOWN OF DAVIE, a municipal
corporation of the State of
Florida

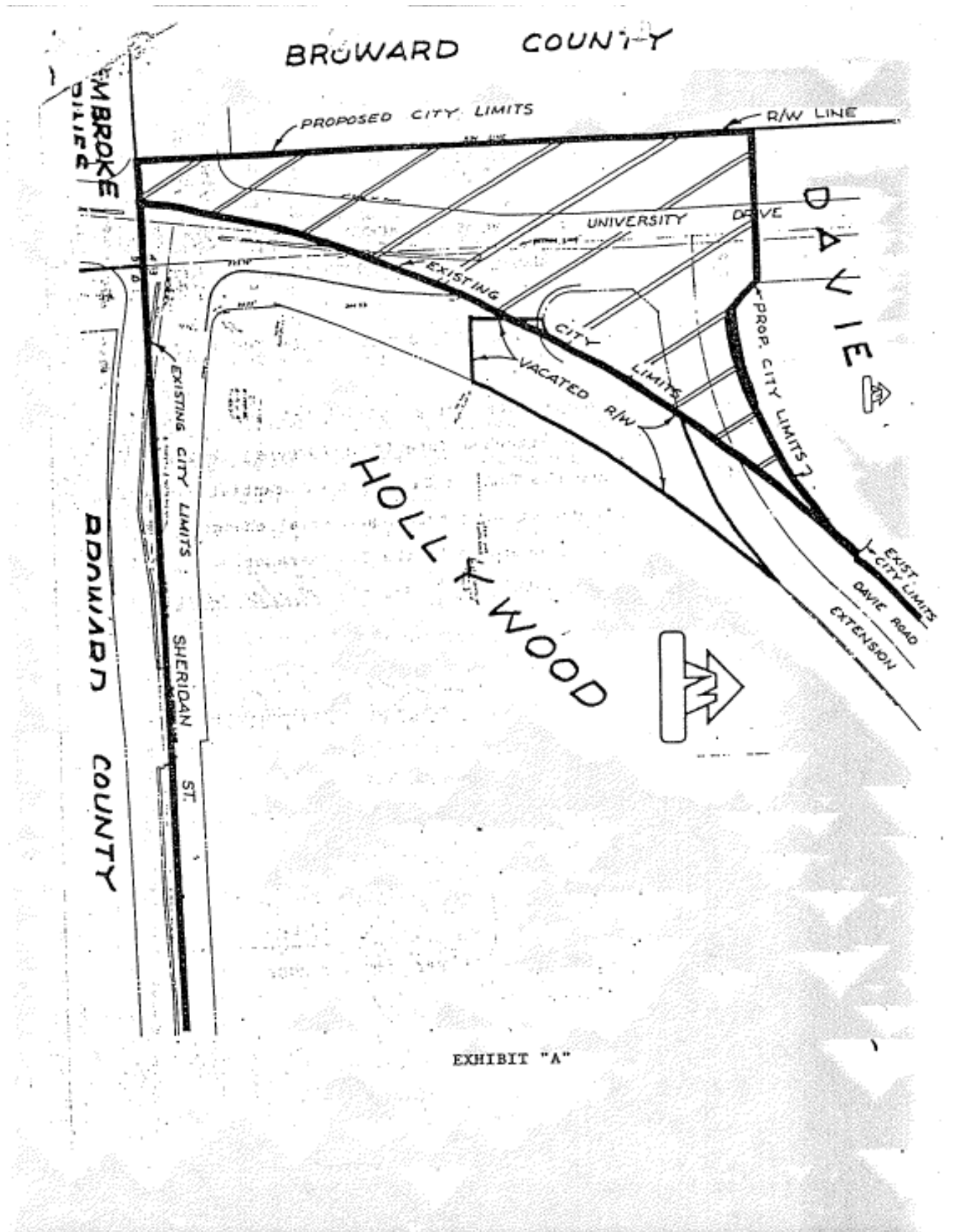
Allen Blizora
As to "Davie"

ATTEST: Patricia McDaniel
PATRICIA MCDANIEL
TOWN CLERK

APPROVED: Robert T. Mearns
ROBERT T. MEARNS
TOWN ADMINISTRATOR

ENDORSED AS TO FORM & LEGALITY

BY: Barry S. Webber
BARRY S. WEBBER
TOWN ATTORNEY



RESOLUTION NO.

R-88-162

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA, AUTHORIZING THE APPROPRIATE CITY OFFICIALS TO EXECUTE THE ATTACHED INTERLOCAL AGREEMENT BETWEEN THE CITY OF HOLLYWOOD AND THE TOWN OF DAVIE, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TOGETHER WITH SUCH NONMATERIAL CHANGES, IF ANY, AS MAY BE SUBSEQUENTLY APPROVED BY THE CITY MANAGER

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF

HOLLYWOOD, FLORIDA:

That the appropriate City officials are hereby authorized to execute the attached Interlocal Agreement between the City of Hollywood and the Town of Davie, in substantially the form attached hereto, together with such nonmaterial changes, if any, as may be subsequently approved by the City Manager.

PASSED AND ADOPTED this 2d day of November,

1988.

Mara B. Giuliani
MARA B. GIULIANTI, MAYOR

ATTEST:

Martina S. Lambos
MARTHA S. LAMBOS, CITY CLERK

PREPARED BY:

Alan B. Edsall
ALAN B. EDSALL
DEPUTY CITY ATTORNEY

ENDORSED AS TO FORM & LEGALITY

Maria J. Chiaro
MARIA J. CHIARO, CITY ATTORNEY